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WELLS FARGO BANK, N.A.
aka: Wachovia Mortgage, a Division of Wells Fargo Bank, N.A.
fka: Wachovia Mortgage, FSB
fka: World Savings Bank, FSB

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA

In re	)	Case No. 10-46603
	)	Chapter 7
KENNETH M. BURT,	)	Docket Control No.: DMM-1
	)	First Deed: 2255 Oppio Street
)	
	)	MOTION FOR RELIEF FROM STAY
Debtor.	)	[Bankruptcy Rule 4001,
	)	Local Rule 4001-1, 9014-1]
THOMAS A. ACEITUNO,)	
	)	Date: December 1, 2010
	)	Time: 10:00 a.m.
Trustee.	)	Judge: Robert S. Bardwil
	)	Ctrm: 34
	)	Place: U.S. Bankruptcy Court
	)	501 I Street, Sacramento, CA

TO THE COURT AND TO ALL INTERESTED PARTIES:

WELLS FARGO BANK, N.A., will and hereby does move the court for an order terminating the automatic stay provisions of 11 U.S.C. §362 and permitting Movant to continue to exercise its lien enforcement rights under the deed of trust described in the accompanying declaration and for attorney's fees incurred herein.

...

1 Movant has standing to bring this motion as the successor, by merger, to the original lender
2 and beneficiary, and Movant currently possesses the original adjustable rate mortgage note.

3 Said motion is made on grounds that debtor's estate has no realizable equity in said real
4 property, that the property is not necessary for an effective reorganization of debtor herein, and that
5 Movant is not adequately protected.
6

7 Furthermore, Movant specifically seeks to nullify the effect of Bankruptcy Rule 4001 (a)(3).

8 In addition, Movant seeks to have the court determine that this bankruptcy proceeding has
9 been finalized for the purposes of Cal. Civil Code §2923.5 and the enforcement of the note and deed
10 of trust described herein against the subject real property.
11

12 This motion is based on the papers and pleadings on file herein, the Declaration of Ceseli
13 Spearman in Support of Motion for Relief From Stay, the Relief From Stay Information Sheet and
14 all applicable exhibits filed concurrently herewith.
15

16 Dated: November 3, 2010

LAW OFFICES OF DAVE M. McGRAW

18 BY: /s/ Dave M. McGraw

19 DAVE M. McGRAW

20 Attorneys for Movant
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